IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

Bail Appl..No. 6219 of 2007()

.....

CRIME NO.33/2007 OF RAILWAY POLICE.

PETITIONER : ACCUSED:

SUBRAMANIAN, AGED 32 YEARS,
S/O.MUNIYAPPA, HASAN HAGARI, HANKIRIHALLI,
ALDIMARA, MYSORE, KARNATAKA.

BY ADV. SRI.SANTHARAM.P

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6219 of 2007

Dated this the 15th day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to be in possession of 10 bottles of Indian Made Foreign Liquor, each containing 750 ml at the railway platform of Kozhikode. He was arrested on 17.07.07 and continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is innocent. He, who has remained in custody from 17.07.07, may now be enlarged on bail, it is prayed.

3. The learned Public Prosecutor opposes the application on the short ground that the petitioner is not shown to have any fixed place of aboard. In these circumstances it is submitted that the petitioner may not be granted bail. If however bail is being granted, appropriate conditions may be imposed, submits the learned Public Prosecutor . The learned counsel for the petitioner submits that the petitioner is innocent. There is no justification in the continued detention of the petitioner. The petitioner has a fixed place of aboard at Thamarassery within the Sessions Division of Kozhikode. The petitioner is prepared to offer proper and sufficient sureties. The petitioner is willing to comply with any conditions that may be imposed

by this Court. In these circumstances, the petitioner may not be compelled to continue in custody any longer.

4. Having considered all the relevant inputs, I am satisfied that the petitioner can be granted regular bail. The only objection of the learned Public Prosecutor is that the petitioner may not be available for trial. Appropriate conditions can of course be imposed.

5. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall furnish to the learned Magistrate the address of his place of residence at Thamarassery within the jurisdiction of the learned C.J.M, Kozhikode prior to his release from custody;

iii) The petitioner shall report before the Investigating Officer between 10 a.m and 12 noon on all Sundays until the case against him is finally disposed of or until further orders.

(R.BASANT, JUDGE)

rtr/-